

## Calendar No. 126

111TH CONGRESS  
1ST SESSION**S. 1498****[Report No. 111-59]**

To provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2009

Mrs. BOXER, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Surface Transpor-  
5       tation Extension Act of 2009”.

1 **SEC. 2. FEDERAL-AID HIGHWAYS.**

2 (a) IN GENERAL.—Except as provided in this Act,  
3 requirements, authorities, conditions, eligibilities, limita-  
4 tions, and other provisions authorized under titles I, V,  
5 and VI of the Safe, Accountable, Flexible, Efficient Trans-  
6 portation Equity Act: A Legacy for Users (119 Stat.  
7 1144), the SAFETEA-LU Technical Corrections Act of  
8 2008 (122 Stat. 1572), and title 23, United States Code,  
9 which would otherwise expire on or cease to apply after  
10 September 30, 2009, are incorporated by reference and  
11 shall continue in effect until March 31, 2011.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Except  
13 as provided in section 3, there are authorized to be appro-  
14 priated out of the Highway Trust Fund (other than the  
15 Mass Transit Account)—

16 (1) for fiscal year 2010, a sum equal to the  
17 total amount authorized to be appropriated for pro-  
18 grams, projects, and activities for fiscal year 2009  
19 under titles I, V, and VI of the Safe, Accountable,  
20 Flexible, Efficient Transportation Equity Act: A  
21 Legacy for Users (119 Stat. 1144), and title 23,  
22 United States Code; and

23 (2) for the period beginning on October 1,  
24 2010, and ending on March 31, 2011, a sum equal  
25 to  $\frac{1}{2}$  of the total amount authorized for programs,  
26 projects, and activities for fiscal year 2009 under ti-

1 tles I, V, and VI of the Safe, Accountable, Flexible,  
2 Efficient Transportation Equity Act: A Legacy for  
3 Users (119 Stat. 1144), and title 23, United States  
4 Code.

5 (c) USE OF FUNDS.—

6 (1) FISCAL YEAR 2010.—Except as otherwise  
7 expressly provided in this Act, funds authorized to  
8 be appropriated under subsection (b)(1) for fiscal  
9 year 2010 shall be distributed, administered, limited,  
10 and made available for obligation in the same man-  
11 ner and at the same level as funds authorized to be  
12 appropriated for fiscal year 2009 to carry out pro-  
13 grams, projects, activities, eligibilities, and require-  
14 ments under the Safe, Accountable, Flexible, Effi-  
15 cient Transportation Equity Act: A Legacy for  
16 Users (119 Stat. 1144), the SAFETEA-LU Tech-  
17 nical Corrections Act of 2008 (122 Stat. 1572), and  
18 title 23, United States Code.

19 (2) FISCAL YEAR 2011.—Except as otherwise  
20 expressly provided in this Act, funds authorized to  
21 be appropriated under subsection (b)(2) for the pe-  
22 riod beginning on October 1, 2010, and ending on  
23 March 31, 2011, shall be distributed, administered,  
24 limited, and made available for obligation in the  
25 same manner and at the same level as ½ of the

total amount of funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), and title 23, United States Code.

(3) CALCULATION.—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) or any other law.

(4) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be—

(i) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(ii) subject to a limitation on obligations for Federal-aid highways and high-

way safety construction programs described in paragraph (5).

(B) EXCEPTIONS.—A limitation on obligations described in subparagraph (A)(ii) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(I) for fiscal year 2010, only in an amount equal to \$639,000,000; and

(II) for the period beginning on October 1, 2010, and ending on March 31, 2011, only in an amount equal to \$319,500,000.

(5) LIMITATION ON OBLIGATIONS.—Notwithstanding any other provision of law—

(A) for fiscal year 2010, funds authorized to be appropriated under subsection (b) or this subsection shall be subject to the limitation on obligations for fiscal year 2009 under section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1157); and

(B) for the period beginning on October 1, 2010, and ending on March 31, 2011, funds authorized to be appropriated under subsection (b) or this subsection shall be subject to a limitation on obligations equal to  $\frac{1}{2}$  of the limitation on obligations for fiscal year 2009 under section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1157).

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that the State received for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1198, 1204, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

1 (i) the amount apportioned to the  
 2 State for that program for fiscal year  
 3 2009; bears to

4 (ii) the amount apportioned to the  
 5 State for fiscal year 2009 for all programs  
 6 apportioned under such sections of such  
 7 Code; and

8 (B) administered in the same manner and  
 9 with the same period of availability as such  
 10 funding is administered under such sections.

11 (2) FISCAL YEAR 2011.—Notwithstanding any  
 12 other provision of law, for the period beginning on  
 13 October 1, 2010, and ending on March 31, 2011,  
 14 the portion of the share of funds of a State under  
 15 subsection (b)(2) determined by  $\frac{1}{2}$  of the amount  
 16 that the State received for fiscal year 2009 to carry  
 17 out sections 1301, 1302, 1307, 1702, and 1934 of  
 18 the Safe, Accountable, Flexible, Efficient Transpor-  
 19 tation Equity Act: A Legacy for Users (119 Stat.  
 20 1198, 1204, 1217, 1256, and 1485) and section  
 21 144(f)(1) of title 23, United States Code, shall be—

22 (A) made available to the State for pro-  
 23 grams apportioned under sections 104(b) and  
 24 144 of title 23, United States Code, and in the  
 25 same proportion for each such program that—

1 (i) the amount apportioned to the  
 2 State for that program for fiscal year  
 3 2009; bears to

4 (ii) the amount apportioned to the  
 5 State for fiscal year 2009 for all programs  
 6 apportioned under such sections of such  
 7 Code; and

8 (B) administered in the same manner and  
 9 with the same period of availability as such  
 10 funding is administered under such sections.

11 (3) ADDITIONAL FUNDS.—

12 (A) IN GENERAL.—No additional funds  
 13 shall be provided for any project or activity  
 14 under subsection (c), or paragraph (1) or (2) of  
 15 this subsection, that the Secretary of Transpor-  
 16 tation determines was sufficiently funded before  
 17 or during fiscal year 2009 to achieve the au-  
 18 thorized purpose of the project or activity.

19 (B) RESERVATION AND REDISTRIBUTION  
 20 OF FUNDS.—Funds made available in accord-  
 21 ance with paragraph (1) or (2) of subsection (c)  
 22 or paragraph (1) or (2) of this subsection for  
 23 a project or activity described in subparagraph  
 24 (A) shall be—



1 (i) reserved by the Secretary of  
2 Transportation; and

3 (ii) redistributed to each State in ac-  
4 cordance with paragraph (1) or (2) of sub-  
5 section (c), or paragraph (1) or (2) of this  
6 subsection, as appropriate, for use in car-  
7 rying out other highway projects and ac-  
8 tivities extended by subsection (c) or this  
9 subsection, in the proportion that—

10 (I) the total amount of funds  
11 made available for fiscal year 2009 for  
12 projects and activities described in  
13 subparagraph (A) in the State; bears  
14 to

15 (II) the total amount of funds  
16 made available for fiscal year 2009 for  
17 those projects and activities in all  
18 States.

19 (e) EXTENSION OF AUTHORIZATIONS UNDER TITLE  
20 V OF SAFETEA-LU.—

21 (1) IN GENERAL.—The programs authorized  
22 under paragraphs (1) through (5) of section 5101(a)  
23 of the Safe, Accountable, Flexible, Efficient Trans-  
24 portation Equity Act: A Legacy for Users (119 Stat.  
25 1779) shall be continued—

1 (A) for fiscal year 2010, at the funding  
2 levels authorized for those programs for fiscal  
3 year 2009; and

4 (B) for the period beginning on October 1,  
5 2010, and ending on March 31, 2011, at  $\frac{1}{2}$  the  
6 levels authorized for those programs for fiscal  
7 year 2009.

8 (2) DISTRIBUTION OF FUNDS.—Funds for pro-  
9 grams continued under paragraph (1) shall be dis-  
10 tributed to major program areas under those pro-  
11 grams in the same proportions as funds were allo-  
12 cated for those program areas for fiscal year 2009,  
13 except that designations for specific activities shall  
14 not be required to be continued for—

15 (A) fiscal year 2010; or

16 (B) the period beginning on October 1,  
17 2010, and ending on March 31, 2011.

18 (3) ADDITIONAL FUNDS.—

19 (A) IN GENERAL.—No additional funds  
20 shall be provided for any project or activity  
21 under this subsection that the Secretary of  
22 Transportation determines was sufficiently  
23 funded before or during fiscal year 2009 to  
24 achieve the authorized purpose of the project or  
25 activity.

1 (B) DISTRIBUTION.—Funds that would  
 2 have been made available under paragraph (1)  
 3 for a project or activity but for the prohibition  
 4 under subparagraph (A) shall be distributed in  
 5 accordance with paragraph (2).

6 (4) LIMITATION ON OBLIGATIONS.—Notwith-  
 7 standing any other provision of law—

8 (A) for fiscal year 2010, funds authorized  
 9 to be appropriated under this subsection shall  
 10 be subject to the limitation on obligations for  
 11 fiscal year 2009 under section 5102 of the Safe,  
 12 Accountable, Flexible, Efficient Transportation  
 13 Equity Act: A Legacy for Users (119 Stat.  
 14 1780); and

15 (B) for the period beginning on October 1,  
 16 2010, and ending on March 31, 2011, funds  
 17 authorized to be appropriated under this sub-  
 18 section shall be subject to a limitation on obli-  
 19 gations equal to  $\frac{1}{2}$  of the limitation on obliga-  
 20 tions for fiscal year 2009 under section 5102 of  
 21 the Safe, Accountable, Flexible, Efficient  
 22 Transportation Equity Act: A Legacy for Users  
 23 (119 Stat. 1780).

1 **SEC. 3. ADMINISTRATIVE EXPENSES.**

2 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—

3 Notwithstanding any other provision of this Act or any  
4 other law, there are authorized to be appropriated from  
5 the Highway Trust Fund (other than the Mass Transit  
6 Account), from amounts provided under section 2, for ad-  
7 ministrative expenses of the Federal-aid highway pro-  
8 gram—

9 (1) \$422,425,000 for fiscal year 2010; and

10 (2) \$217,023,500 for the period beginning on  
11 October 1, 2010, and ending on March 31, 2011.

12 (b) CONTRACT AUTHORITY.—Funds authorized to be  
13 appropriated by this section shall be—

14 (1) available for obligation, and shall be admin-  
15 istered, in the same manner as if such funds were  
16 apportioned under chapter 1 of title 23, United  
17 States Code; and

18 (2) subject to a limitation on obligations for  
19 Federal-aid highways and highway safety construc-  
20 tion programs, except that such funds shall remain  
21 available until expended.



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111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1498**

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**A BILL**

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